



**Service of Process  
Transmittal**

06/17/2021

CT Log Number 539746597

**TO:** Kim Lundy- Email  
Walmart Inc.  
702 SW 8TH ST  
BENTONVILLE, AR 72716-6209

**RE: Process Served in New York**

**FOR:** WALMART INC. (Domestic State: DE)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** O'Rourke Diane, Pltf. vs. Walmart Inc., Dft.

**DOCUMENT(S) SERVED:** Summons, Complaint, Notice, Attachment(s)

**COURT/AGENCY:** Suffolk County Supreme Court, NY  
Case # 6052022021

**NATURE OF ACTION:** Personal Injury - Failure to Maintain Premises in a Safe Condition - 12/20/2020 at Store #2917, 1850 Veterans Memorial Highway, Islandia, New York

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, New York, NY

**DATE AND HOUR OF SERVICE:** By Process Server on 06/17/2021 at 10:24

**JURISDICTION SERVED :** New York

**APPEARANCE OR ANSWER DUE:** Within 20 days after service, exclusive of the day of service

**ATTORNEY(S) / SENDER(S):** John J. Guadagno  
Law Offices of John J. Guadagno, P.C.  
96 East Main Street  
2nd Floor  
East Islip, NY 11730  
631-224-2796

**REMARKS:** The documents received have been modified to reflect the name of the entity being served.

**ACTION ITEMS:** CT has retained the current log, Retain Date: 06/17/2021, Expected Purge Date: 06/22/2021  
Image SOP

**REGISTERED AGENT ADDRESS:** C T Corporation System  
28 Liberty Street  
New York, NY 10005  
877-564-7529  
MajorAccountTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other



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advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.



## PROCESS SERVER DELIVERY DETAILS

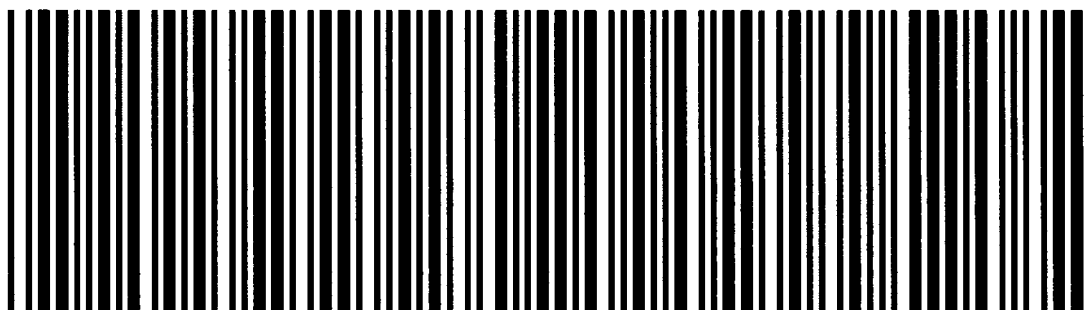
**Date:** Thu, Jun 17, 2021

**Server Name:** Joseph Donovan

**Entity Served** WALMART INC.

**Case Number** 605202/2021

**Jurisdiction** NY



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

Index No.: 605202 | 2021  
Date Purchased: 3/25/2021

SUMMONS

-----X  
DIANE O'ROURKE,

Plaintiff,

Plaintiff designates Suffolk  
County as the place of trial

-against-

The basis of venue is:  
Plaintiff's residence

WALMART INC.,

Defendant.  
-----X

Plaintiff resides at:  
195 Revere Drive  
Sayville, New York 11782

To the above named Defendants:

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorney(s) within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: East Islip, New York  
March 25, 2021

Yours, etc.

  
\_\_\_\_\_  
JOHN J. GUADAGNO

LAW OFFICES OF  
JOHN J. GUADAGNO, P.C.  
*Attorneys for Plaintiff*  
96 East Main Street, 2<sup>nd</sup> Floor  
East Islip, New York 11730  
(631) 224-2796

TO: Via Secretary of State Only  
WALMART INC.  
c/o CT Corporation System  
28 Liberty Street  
New York, NY 10005

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

-----X  
DIANE O'ROURKE,

Index No.: 605202 | 2021

Plaintiff,

**COMPLAINT**

-against-

WALMART INC.,

Defendant.  
-----X

Plaintiff, by her attorneys, LAW OFFICES OF JOHN J. GUADAGNO, P.C.

complaining of the defendants, respectfully alleges, upon information and belief:

1. At all times herein mentioned, plaintiff was, and still is, a resident of the State of New York.
2. At all times hereinafter mentioned, the defendant, WALMART INC., was and still is a domestic corporation duly organized and existing under and by virtue of the laws of the State of New York.
3. At all times hereinafter mentioned, the defendant, WALMART INC., was and still is a foreign corporation doing business in the State of New York.
4. At all times hereinafter mentioned, the defendant, WALMART INC., regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenues from goods used or services rendered in the State of New York.
5. At all times hereinafter mentioned, the defendant, WALMART INC., expected or should reasonably have expected the acts complained of herein to have consequences in the State of New York and said defendant derives substantial revenue from interstate or international commerce.

6. At all times hereinafter mentioned the defendant, WALMART INC., was the owner of a certain retail store known and identified as Store#2917 which store was located at 1850 Veterans Memorial Highway, Islandia, New York.

7. At all times hereinafter mentioned the defendant, WALMART INC., operated the aforesaid retail store known and identified as Store#2917 which store was located at 1850 Veterans Memorial Highway, Islandia, New York.

8. At all times hereinafter mentioned the defendant, WALMART INC., managed the aforesaid retail store known and identified as Store#2917 which store was located at 1850 Veterans Memorial Highway, Islandia, New York.

9. At all times hereinafter mentioned the defendant, WALMART INC., controlled the aforesaid retail store known and identified as Store#2917 which store was located at 1850 Veterans Memorial Highway, Islandia, New York.

10. At all times hereinafter mentioned the defendant, WALMART INC., maintained the aforesaid retail store known and identified as Store#2917 which store was located at 1850 Veterans Memorial Highway, Islandia, New York.

11. That it was the duty of the defendant, WALMART INC., to keep the aforesaid retail store, property and premises located at 1850 Veterans Memorial Highway, Islandia, New York in a reasonably safe condition.

12. That on or about the 20<sup>th</sup> day of December, 2020 the plaintiff, DIANE O'ROURKE, was lawfully and properly within and entering the vestibule entrance of the defendant's aforesaid retail store, property and premises, when she was caused to be violently struck by the automatic doors thereby sustaining severe and permanent personal injuries.

13. The aforesaid occurrence and the resulting injuries sustained by the

plaintiff, DIANE O'ROURKE, were caused solely and wholly by the carelessness, recklessness and negligence of the defendant and without any negligence on part of the plaintiff contributing thereto.

14. That by reason of the negligence, carelessness, and recklessness of the defendant herein, the plaintiff, DIANE O'ROURKE, was caused to sustain serious, severe and permanent personal injuries with accompanying pain; was rendered sick, sore, lame and disabled; incurred and will continue to incur hospital and medical expenses; and upon information and belief has sustained injuries of a permanent and lasting nature.

15. That the defendant, its agents, servants, and/or employees were careless, reckless and negligent in the ownership, operation, control and maintenance of the aforesaid retail store, property and premises in causing, permitting and/or allowing said retail store, property and premises at the aforementioned location to be, become and remain in a dangerous and hazardous condition, constituting a trap, nuisance and hazard; in causing, permitting and allowing the aforesaid dangerous and defective condition to exist thereat; in failing to warn of the dangerous, defective, trap-like condition; in failing to properly maintain said retail store premises; in causing and creating the aforesaid dangerous, hazardous, condition to exist thereat; in failing to timely and properly rectify said condition despite notice and knowledge of same; in failing to take proper and prudent steps to alleviate said dangerous conditions; in failing to keep the aforesaid premises safe for passage; in failing to timely and properly inspect, maintain and/or repair the aforesaid automatic doors within the vestibule area of said premises; in causing, allowing and permitting the aforesaid automatic doors to malfunction and/or fall into a state of disrepair thereby resulting in the plaintiffs accident; and the defendant was otherwise negligent, reckless and careless under the circumstances then and there existing.

16. That by reason of the foregoing, the plaintiff, DIANE O'ROURKE, sustained severe and permanent personal injuries, became sick, sore, lame and disabled; suffered mental anguish and was confined and incapacitated from attending her usual activities; and, in the future, will be so incapacitated; and, the plaintiff was otherwise damaged.

17. That the amount of damages sought herein exceed the monetary jurisdiction of all lower courts which would otherwise have jurisdiction.

WHEREFORE, plaintiff demands judgment against the defendant on all causes of action for a substantial amount of money in such sum as a jury determines at trial to be fair, adequate and just, together with the costs and disbursements of this action.

Dated: East Islip, New York  
March 25, 2021

Yours, etc.



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JOHN J. GUADAGNO

LAW OFFICES OF  
JOHN J. GUADAGNO, P.C.  
*Attorneys for Plaintiff*  
96 East Main Street, 2<sup>nd</sup> Floor  
East Islip, New York 11730  
(631) 224-2796



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF

-----X  
Diane O'Rourke

Plaintiff/Petitioner,

- against -

Index No. 605202 | 2021

Walmart Inc.,

Defendant/Respondent.  
-----X

**NOTICE OF ELECTRONIC FILING  
(Mandatory Case)  
(Uniform Rule § 202.5-bb)**

**You have received this Notice because:**

- 1) The Plaintiff/Petitioner, whose name is listed above, has filed this case using the New York State Courts E-filing system ("NYSCEF"), and
- 2) You are a Defendant/Respondent (a party) in this case.

● **If you are represented by an attorney:**

Give this Notice to your attorney. (Attorneys: see "Information for Attorneys" pg. 2).

● **If you are not represented by an attorney:**

**You will be served with all documents in paper and you must serve and file your documents in paper, unless you choose to participate in e-filing.**

**If you choose to participate in e-filing, you must have access to a computer and a scanner or other device to convert documents into electronic format, a connection to the internet, and an e-mail address to receive service of documents.**

**The benefits of participating in e-filing include:**

- serving and filing your documents electronically
- free access to view and print your e-filed documents
- limiting your number of trips to the courthouse
- paying any court fees on-line (credit card needed)

**To register for e-filing or for more information about how e-filing works:**

- visit: <https://iapps.courts.state.ny.us/nyscef/UnRepresentedHome> or
- contact the Clerk's Office or Help Center at the court where the case was filed. Court contact information can be found at [www.nycourts.gov](http://www.nycourts.gov)

To find legal information to help you represent yourself visit [www.nycourthelp.gov](http://www.nycourthelp.gov)

**Information for Attorneys  
(E-filing is Mandatory for Attorneys)**

An attorney representing a party who is served with this notice must either:

- 1) immediately record his or her representation within the e-filed matter on the NYSCEF site [www.nycourts.gov/efile](http://www.nycourts.gov/efile) ; or
- 2) file the Notice of Opt-Out form with the clerk of the court where this action is pending and serve on all parties. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the knowledge to operate such equipment. [Section 202.5-bb(e)]

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at [www.nycourts.gov/efile](http://www.nycourts.gov/efile) or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: [nyscef@nycourts.gov](mailto:nyscef@nycourts.gov)).

Dated: 3/25/2021

John J. Guadagno  
Name

Law Offices of John Guadagno  
Firm Name

96 E. Main Street, 2nd Floor

East Islip, NY 11730  
Address

(631) 224-2796  
Phone

triallaw@optonline.net  
E-Mail

To: \_\_\_\_\_  
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2/24/20

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

Index No.: 605202/2021

DIANE O'ROURKE,

Plaintiff,

-against-

WALMART INC.,

Defendants.

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**SUMMONS AND COMPLAINT**

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LAW OFFICES OF JOHN J. GUADAGNO, P.C.

*Attorneys for Plaintiff*

Office and Post Office Address

96 East Main Street, 2<sup>nd</sup> Floor

East Islip, New York 11730

(631) 224-2796

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TO: ALL PARTIES

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